THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21618 of 2006

18.10.2006

Between:

M/s.Sri Sai Ram Water Plant, represented by its
Proprietor Mittapally Chandra Kala, W/o.Jagadeeswar

…Petitioner

and

The Gazetted Food Inspector, Nalgonda
and others

…Respondents

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WRIT PETITION No.21618 of 2006

ORDER:

The petitioner is proprietrix of M/s.Sri Sai Ram Water Plant, Alakapuri Colony, Keharajapally village of Tipparthy Mandal in Nalgonda District. She has set up a Small Scale Industry (SSI) for manufacturing purified drinking water. The petitioner got electricity connection No.32544 to the premises bearing Plot No.292 of Keharajapally village, from the third respondent, Andhra Pradesh Central Power Distribution Company Limited, and has been paying the electricity bills regularly. It is alleged that on 13.10.2006, the third respondent visited the premises and disconnected the power connection. The petitioner came to know that the respondents 1 and 2 proceedings for disconnection of power supply on that there is a criminal case being C.C.No.440 of 2006 on the file of the Court of the Judicial Magistrate of First Class, Nalgonda, under Section 7(v) of Prevention of Food Adulteration Act, 1954 and Rules 28 and 49 of Prevention of Food Adulteration Rules, 1955. Therefore, the present writ petition is filed seeking a direction to the respondents to restore the power supply to the petitioner's premises.

Learned Counsel for the petitioner submits that when there was a disconnection of power supply, the petitioner and another filed a writ petition being W.P.No.17837 of 2006 before this Court and that this Court passed orders on 28.8.2006 directing the respondents not to interfere with the business of the petitioner for a period of six weeks. He also submits that the petitioner has given time to obtain BIS certificate within

six weeks. According to the petitioner, as the application made by the petitioner is pending before the second respondent, the respondents cannot disconnect the power supply or cancel SSI registration. Learned Assistant Government Pleader for Industries opposed the writ petition as premature and not maintainable.

The petitioner along with another filed W.P.No.17837 of 2006. This Court granted six-weeks time to the petitioner to obtain BIS certificate. Therefore, after expiry of the period of six weeks, if the first respondent takes any action preventing the petitioner from manufacturing packaged drinking water with BIS certification, it cannot be treated as illegal. Further, as rightly pointed out by the learned Assistant Government Pleader, the writ petition is filed on a mere apprehension. The remedy of the petitioner lies in pursuing the matter with the second respondent to whom the petitioner allegedly made application on 18.8.2006 for BIS certificate.

The writ petition is misconceived and is accordingly dismissed. No costs.

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October 11, 2006 (**V.V.S.RAO, J**)
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